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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,216	10/22/2003	Richard A. Han	10806.00	9545
26889	7590	01/28/2008		
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			EXAMINER MOORTHY, ARAVIND K	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No. 10/691,216	Applicant(s) HAN ET AL.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the RCE filed on 30 October 2007.
2. Claims 1-20 are pending in the application.
3. Claims 1-20 have been rejected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 October 2007 has been entered.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Auer et al US 2003/0191946 A1.

As to claim 1, Auer et al discloses a system for a licensee to control access to or distribution of software and/or data among a plurality of client nodes, the system comprising:

means for storing software and/or data that is to be made available to predetermined licensed client nodes, each client node of the plurality of client nodes being a data processing device for which access to specified software or data may be allowed if licensed, and for storing a list of identifiers for licensed client nodes, each identifier uniquely identifying one of the predetermined nodes, the presence of each identifier on the list authorizing the predetermined client node associated with the identifier to be allowed access to the software and/or data [0038-0039]; and

a client application at each client node that is configured to identify whether the unique identifier for that node is included on the list and allow access

to the software and/or data by the client node at which the client application resides only if the identifier is included on the list [0036].

As to claim 2, Auer et al discloses that the means for storing the software and/or data and the list of unique client identifiers is portable [0024].

As to claim 3, Auer et al discloses that the means for storing the software and/or data and the list of unique client identifiers comprises a compact disc [0024].

As to claim 4, Auer et al discloses that the means for storing the software and/or data and the list of unique client identifiers comprises a floppy disc [0024].

As to claim 5, Auer et al discloses that the client nodes are part of a communications network [0024].

As to claim 6, Auer et al discloses that the means for storing is provided in a shared information storage area of a server that can be remotely accessed by at least some or all of the client nodes [0025].

As to claims 7, 14 and 17, Auer et al discloses that the client application is operable to generate a unique identifier for the client node on which the client application resides and compare this with the unique identifiers on the authorized list, thereby to identify whether the unique identifier for that node is on the list [0065-0070].

As to claims 8, 12, 15 and 18, Auer et al discloses that the client executes a license management program which uses node specific data to generate the unique identifier [0028].

As to claim 9, Auer et al discloses a method for a license to control access to or distribution of software and/or data among a plurality of client nodes, the method comprising:

storing in association with the software and/or data, a list of unique identifiers for licensed client nodes, each of which uniquely identifies one of the nodes authorized to be allowed access to the software and/or data [0038-0039];

identifying whether a unique identifier for a particular node is included on the list [0036]; and

controlling the operation of each node so that the node examines the list and verifies that the unique identifier for the node appears on the list, the node loading or installing or using the software and/or data at that particular node only if its unique identifier is on the list [0036].

As to claim 10, Auer et al discloses a program storage device, readable by a machine, having encoded thereon instructions executable by the machine for:

executing a license management program to establish a unique identifier associated with the machine executing the instructions [0038-0039];

reading a list of unique identifiers associated with specified software and/or data, each unique identifier being uniquely associated with one of a plurality of machines and establishing its associated machine as licensed for the specified software and/or data [0038-0039]; and

controlling the operation of a client node comprising the machine executing the instructions so that the machine accesses the software and/or data

only if the unique identifier for the client node appears is on the list of unique identifiers [0036].

As to claim 13, Auer et al discloses a data processing device serving as a client node comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of client nodes or terminals licensed to use the software and/or data [0038-0039]; and

means for controlling the operation of the data processing device so that the data processing device loads or installs or uses the software and/or data only if its own unique identifier is on the list of unique identifiers [0036].

As to claim 16, Auer et al discloses a self-service terminal comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of self-service terminals licensed to use the associated software and/or data [0038-0039]; and

means for controlling the operation of the self-service terminal so that the self-service terminal loads or installs or uses the software and/or data only if a unique identifier associated with the self-service terminal appears on the list of unique identifiers [0036].

As to claim 19, Auer et al discloses that the self-service terminal is an automated teller machine in a network comprising a plurality of automated teller machines operated by a common operator licensed to utilize the associated software and/or data [0024].

As to claim 20, Auer et al discloses that the automated teller machine executes license management software to generate its associated identifier [0028]. Auer et al discloses that the list of unique identifiers licensed to utilize the associated software and/or data is generated at a remote server which communicates with the automated teller machine over the network [0025].

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy *AM*
January 23, 2008

CHRISTOPHER REVAK
PRIMARY EXAMINER

